

## **REMARKS: STATEMENT OF SUPPORT**

### **I. Introduction**

Upon entry of the present amendment, claims 1-35 will be pending in this application. Applicants have submitted amendments to the specification that clarify that the letter used to represent length is actually an "l" and not a numeral "1." Applicants have also corrected various grammatical errors.

The invention as claimed is an orthopaedic spatial fixation system which provides a unique positioning of the points or other attachment structures. Support for newly presented claims appears in the specification at column 3, line 25 - column 4, line 41, column 8, lines 16-21, column 9, lines 12-36, and Figures 2, 4, 6, and 7-8. Applicants have added claims 15-35 to further define that the attachment structures or mechanisms can be points that are specifically positioned to provide specific advantages that are not provided by other devices. No new matter has been added.

### **II. The Declaration**

The Examiner has objected to the declaration. Applicants enclose a revised declaration which (1) addresses the Examiner's objection that the previous declaration failed to identify an error relied upon to support the reissue application and that also (2) includes the proposed statement that the Examiner has indicated acceptable.

### **III. Form of Amendments**

The Examiner has also objected to the form in which the reissue application amendments were made. Applicants respectfully submit that the amendments filed with the reissue application fully comply with 37 CFR 1.173(b), which allows amendments to be

made by a separate amendment paper. To the extent that the Examiner maintains this rejection, further clarification is respectfully requested.

**IV. Information Disclosure Statement**

Additionally, Applicants filed an Information Disclosure Statement on October 11, 2001 and the present Office Action was mailed October 23, 2001. As Applicants' attorney indicated in a voice message left with Examiner Ho on November 20, 2001, it appears that the IDS and the Office Action crossed in the mail. Accordingly, Applicants respectfully request that the above amendment be entered and that an updated Office Action be mailed in light of the references cited by the IDS, full copies of which were forwarded on January 9, 2002.

**V. New Drawing Submitted**

Applicants are submitting a new FIG. 3, changing the term "cord" to "chord." This amendment is being made to correct a spelling error.

**PETITION FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. 1.136(a), Applicants petition the Commissioner for Patents for a one-month extension of time, through and including February 23, 2002 (which is a Saturday), to respond to the Office Action mailed on October 23, 2001. Enclosed is the \$110.00 fee pursuant to 37 C.F.R. 1.17(a). The Commissioner is authorized to charge any additional fee relating to this filing to Deposit Account No. 11-0855.

**Version with Markings to Show Changes Made:**

**IN THE SPECIFICATION**

Kindly amend the specification as follows:

At column 4, line 43, please replace “ $l_{arc}$ ” with --  $l_{arc}$ --.

At column 4, line 44, please replace “ $l_{chord}$ ” with --  $l_{chord}$ --.

At column 4, line 46, please replace “ $l_{chord}$ ” with --  $l_{chord}$ --.

At column 4, line 51, please replace the term “decor” with --  $d_{chord}$ --.

At column 4, line 55, please replace “ $l_{chord}$ ” with --  $l_{chord}$ --.

At column 4, line 55, please delete “is” from the phrase “the chord length is”

At column 5, line 13, please replace “where 1 is” with --where  $l$  is--.

At column 5, line 29, please replace “ $v=1/2 l$ ” with -- $v=1/2 l$ --.

At column 5, line 59, please replace “of  $l$ ” with --of  $l$ --.

At column 6, Table 1, line 23, please replace “Chord Length (1)” with --Chord Length ( $l$ )--.

At column 8, line 43, please replace “ $l_{chord}$ ” with --  $l_{chord}$ --.

At column 8, line 47, please replace “These hole” with --These holes--.

At column 9, line 8, please delete "a" from "if a surgeons".

At column 9, line 20, please replace "sever" with --severe--.

At column 9, line 12, please delete "a" from "a defined relationships".

At column 9, line 31, please change "attached" to --attach--.

## IN THE CLAIMS

Kindly amend claim 1 as follows:

1. (Twice Amended) An orthopaedic spatial fixation system for holding bone parts comprising a plurality of fixation plates wherein each plate includes a body portion having n attachment structures positioned therein, whereby said attachment structures are substantially positioned along an arc of  $\alpha^\circ$  of a circle defined by a diameter d, and the [cord] chord length between adjacent attachment structures is substantially equal to [l] l, and

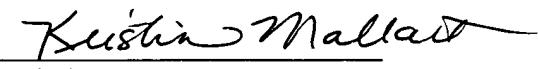
$$d = l \left( \sqrt{\frac{1}{\tan^2\left(\frac{\alpha}{2n}\right)} + 1} \right)$$

and whereby the diameter d for each plate within the system is unique, and the value for n(360  $\alpha$ ) for each consecutive plate diameter d in the system is a multiple of 3.

## CONCLUSION

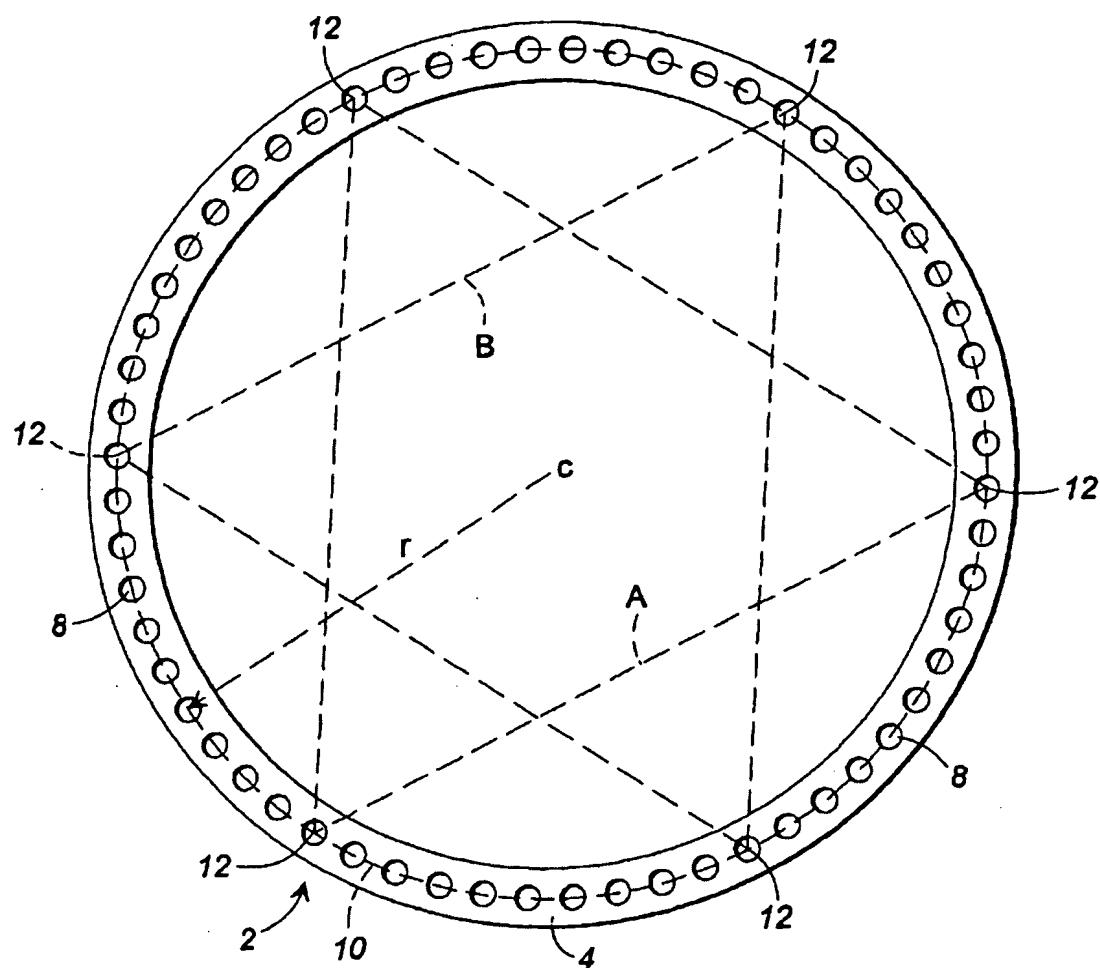
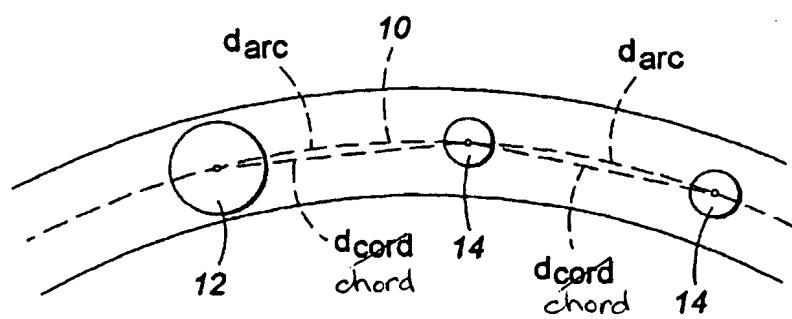
Applicants submit that the amendments appropriately define the claimed subject matter and respectfully request issuance of a patent containing claims 1-35. If any additional issues remain to be resolved, the Examiner is invited to contact the undersigned. Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

  
Kristin D. Mallatt  
Reg. No. 46,895

February 25, 2002  
Attorney Docket No. 39262/256238

OF COUNSEL:  
KILPATRICK STOCKTON LLP  
Suite 2800  
1100 Peachtree Street  
Atlanta, Georgia 30309-4530  
(404) 815.6147  
Attorney Docket No. 39262/256238

**FIG. 1****FIG. 3**